

1 A JOINT MEMORIAL

2 REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE CULTURAL AND
3 LINGUISTIC ISSUES RELATING TO HEALTH CARE COVERAGE AND ACCESS
4 BARRIERS, CLINICAL TRIALS AND RESEARCH PROJECTS INVOLVING
5 HUMAN SUBJECTS AND THE CURRICULA IN HEALTH CARE EDUCATION AND
6 TRAINING.

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8 WHEREAS, "limited English proficient patients" refers to
9 patients who speak a primary language other than English and
10 who cannot speak English at all or speak English so poorly
11 that they cannot communicate in English without assistance;
12 and

13 WHEREAS, language services can significantly reduce
14 language barriers to health care; and

15 WHEREAS, the population most vulnerable to cultural and
16 linguistic barriers in accessing health care includes the
17 elderly, the poor and patients who have below-average health
18 care visits; and

19 WHEREAS, pursuant to Section 9-7-11.1 NMSA 1978, it is
20 the policy of the state that basic health services be
21 available, accessible, acceptable and culturally appropriate
22 for all New Mexicans, regardless of financial status; and

23 WHEREAS, state educational institutions have a
24 responsibility to not only educate and train students but to
25 provide education and training that is specific to the

1 culturally and linguistically diverse groups in the state;
2 and

3 WHEREAS, it is the policy of the national institutes of
4 health that women and members of minority groups and their
5 subpopulations must be included in all national institutes of
6 health supported biomedical and behavioral health research
7 projects involving human subjects, unless there exists a
8 clear and compelling rationale and justification for their
9 exclusion;

10 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
11 STATE OF NEW MEXICO that the department of health, in
12 conjunction with the New Mexico health policy commission, be
13 requested to study the linguistic and cultural barriers that
14 adversely impact the ability of limited English proficient
15 patients and minorities to obtain appropriate health care
16 coverage and access; and

17 BE IT FURTHER RESOLVED that the department of health, in
18 conjunction with the university of New Mexico school of
19 medicine, be requested to study the appropriate
20 representation of limited English proficient patients and
21 minorities in clinical trials or research projects involving
22 human subjects, including a review of informed consent,
23 language translation and efficacy based on age, gender and
24 ethnicity; and

25 BE IT FURTHER RESOLVED that the department of health, in SJM 13
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1 conjunction with the regulation and licensing department, the
2 New Mexico medical board, the board of nursing and other
3 health care provider boards, be requested to research the
4 existing cultural and linguistic curricula in health care
5 provider education and training and make recommendations for
6 substantively improving the curricula provided by state
7 post-secondary educational institutions for such education
8 and training; and

9 BE IT FURTHER RESOLVED that the department of health
10 present its findings and recommendations to the legislative
11 health and human services committee and the legislative
12 finance committee by October 1, 2004; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the department of health, the New Mexico
15 health policy commission and the regulation and licensing
16 department; and

17 BE IT FURTHER RESOLVED that a copy of the final report
18 of the department of health be transmitted to the legislative
19 council service library. _____

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